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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/378,332	08/20/1999	JOSEPH A. ZENNAMO JR.	902_002	8991
25191	7590	05/28/2004	EXAMINER	
BURR & BROWN PO BOX 7068 SYRACUSE, NY 13261-7068			TAKAOKA, DEAN O	
			ART UNIT	PAPER NUMBER
			2817	

DATE MAILED: 05/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/378,332

Applicant(s)

ZENAMO JR., JOSEPH A.

Examiner

Dean O Takaoka

Art Unit

2817

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-37 is/are allowed.
- 6) ☒ Claim(s) 1,2,5,6,9,10,13,14 and 17 is/are rejected.
- 7) ☒ Claim(s) 3,4,7,8,11,12,15,16 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 2, 5, 6, 9, 10, 13, 14 and 17 are rejected under 35 U.S.C. 102(a) as being anticipated by Applicant's admitted prior art (AAPA – Fig. 2).

Claim 1:

AAPA shows a tunable two-pole passive notch filter for attenuating select frequencies of a multi-frequency CATV signal (spec – page 2, line 13 to page 3, line 22) comprising: an input for receiving a multi-frequency CATV signal (input defined by the Examiner as input to node connecting C1 and C3); an output for transmitting a portion of the multi-frequency CATV signal (output defined by the Examiner as output to node connecting L1 and C4); and a filter network for attenuating a band of frequencies from the multi-frequency signal, the filter network comprising three branches A, B, and C where branch A (L3) and branch B (C1 + L1) are connected in parallel and are arranged in series connection between the input and output, branch A comprises an inductor (L3), branch B comprises an adjustable tank circuit (C1 + L1; series resonant tank circuit where the resultant notch resonant frequency response is shown in Figs. 5a and 5b), and branch C comprises an adjustable electrical resonator (C2 + L2; parallel resonant

tank circuit where the resultant notch resonant frequency response is shown in Figs. 5a and 5b).

Claim 2:

Where the adjustable electrical resonator comprises a parallel LC circuit ( $C2 + L2$ ) shunted between branch C and ground.

Claims 5 and 6:

Where branch C further comprises a first capacitor ( $C3$ ) connected between input and the adjustable electrical resonator ( $L2 + C2$ ).

Claims 9, 10, 13 and 14:

Where branch C further comprises a second capacitor ( $C4$ ) connected between the adjustable electrical resonator ( $L2 + C2$ ) and the output.

Claim 17:

Where the adjustable tank circuit and the adjustable electrical resonator each include a variable inductor ( $L1$  and  $L2$  respectively).

***Allowable Subject Matter***

Claims 19 – 37 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Claims 19 and 33:

AAPA shows the CATV two pole filter comprising branches A, B, and C but does not show the second inductor where branch A ( $L3$ ) and branch B ( $C1 + L1$ ) are connected in parallel and are arranged in series connection between the output and a

second inductor arranged in series between the input and branches A and B (claim 19); or a fourth inductor arranged in parallel with the adjustable tank circuit and in series connection between the input and the output (claim 33).

Claims 3, 4, 7, 8, 11, 12, 15, 16 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Clark et al. – shows a four pole filter.

Zennamo, Jr, et al. ('251) – shows a four pole filter.

West et al. – shows a trap filter using SAW.

Palinkas – shows a four pole filter.

Farmer et al. – shows a trap filter using SAW.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dean O Takaoka whose telephone number is (571) 272-1772. The examiner can normally be reached on 8:30a - 5:00p Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pascal can be reached on (571) 272-1769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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May 18, 2004

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